



**Richard B. Rosenthal, Esq**

December 13, 2023

Hon. Steven L. Tiscione, U.S.M.J.  
United States District Court for the Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

By Electronic Filing.

**Re: Case No. 21-cv-06667, Vergara v. Town of Babylon**

Dear Judge Tiscione:

I represent the Plaintiffs in the case named above. I write with Defendants consent to request a final three-month extension of discovery.

Per the Court's rules:

1. The initial deadline was February 21, 2023;
2. There have been three previous extension requests, which were granted;
3. Defendants consent;
4. The reason for the request is explained below; and
5. The proposed revised schedule for remaining deadlines is:
  - a. Close of fact discovery: March 15, 2024;
  - b. Expert reports exchanged: April 15, 2024;
  - c. Expert depositions: May 15, 2024;
  - d. All discovery complete: June 22, 2024;
  - e. Final date to take first step in dispositive motion practice: July 22, 2024.

Discovery was previously extended for personal reasons (see Dkt. Nos. 35, 37 and 42; Nov. 21, 2022 Minute Order; Apr. 17, 2023 Minute Order,) and the parties have moved the ball forward substantially since then. We have exchanged extensive paper discovery, and Plaintiffs' deposition has gone forward. Plaintiff has noticed several depositions, which were scheduled, but due my suffering a covid infection that affected my ability to appear they were adjourned and we are

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presently attempting to reschedule the depositions for mid-January (subject to the Defendants' availability) to a my scheduling them has not been possible just yet.

Additionally, on Plaintiffs' side of the "v," I have had some serious health issues subsequent to those previously referenced, and, as a result, former co-counsel Remy Green took over responsibility for moving discovery forward.

Thereafter her father was suddenly diagnosed with late stage cancer, and passed away shortly thereafter — and that left her out of her office substantially (and at a limited capacity when she was in the office; necessitating the last extension.

In September 2023 I underwent a cardiac procedure, the recovery from which took longer than expected. I returned to my office on a full time basis in November 2023 and Ms. Green scheduled depositions of the defendants for the period between November 28 and December 7, 2023. In the interim at Thanksgiving I again contracted covid along with an eye infection, Ms. Green cancelled the depositions.

Ms. Green then suddenly, upon less than a day's notice, decided to move to be relieved last Friday (see Dkt. No. 43, Dec. 8, 2023 Minute Order). Though two other attorneys, besides myself remain on the docket, Juanita Bright is currently working as an Attorney in the Office of the NYS Attorney General and is no longer involved in this matter and I respectfully request on her behalf that she be allowed to withdraw. Michela Huth is an attorney located in Ohio, who is of counsel to me and assists me in a number of my cases. Since Ms. Green took over the discovery process she has not kept Ms. Huth apprised of the progress and Ms. Huth is not up to date on the status of the discovery Ms Green undertook. I am now recovered from my illness and ready to proceed to complete the discovery and move this case to resolution.

Accordingly, I therefore ask that the Court grant a final extension of 90 days from the current fact deadline and adjust all deadlines in the case management plan accordingly (as set out above).

As ever, I thank the Court for its time and consideration.

Respectfully submitted,

*/s/ Richard Bruce Rosenthal*  
Richard Bruce Rosenthal, Esq.  
*Attorney for Plaintiffs*